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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,889	03/19/2004	Bryan Dumm	BCP-001	8180
7590 William L. Botjer PO Box 478 Center Moriches, NY 11934			EXAMINER  ZHEN, L I B	
			ART UNIT  2194	PAPER NUMBER
			MAIL DATE  01/21/2009	DELIVERY MODE  PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,889

**Applicant(s)**

DUMM, BRYAN

**Examiner**

LI B. ZHEN

**Art Unit**

2194

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 5, 7, 8, 10-12, 14-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7, 8, 10-12, 14, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1, 2, 4, 5, 7, 8, 10 – 12, 14 – 17, 19 and 20 are pending in the application.

***Response to Amendment***

2. Amendments to claims 10 and 19 overcomes the previous rejections under 35 USC § 112, second paragraph and 35 USC § 101; therefore, the rejections are withdrawn.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

4. Claims are 4, 5, 7, 8, 10 – 12, 14, 19 and 20 are allowed.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 15 – 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15 – 17 recite a “computer usable medium” and the specification fails to provide specific examples of “computer usable medium”. Without specific examples, it

is unclear if the limitation intended to be the same as the storage media described as part of the disclosed program product or whether it's intended to be broader than the disclosed storage media. It is believed that the limitation "computer usable medium" is intended to claim something broader than the disclosed storage media and cover signals, waves and other forms of transmission media, that carry instructions. Therefore, the limitation "computer usable medium" is not limited to physical articles or objects which constitute a manufacture within the meaning of 35 USC 101 and enable any functionality of the instructions carried thereby to act as a computer component and realize their functionality. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. During a telephone interview with applicant's representative, examiner suggested amended claim 15 to recite computer storage medium to clearly recite statutory subject matter.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,115,646 to Fiszman et al. [hereinafter Fiszman] in view of U.S. Patent No. 6,772,204 to Hansen.**

9. As to claim 1, Fiszman teaches a method for capturing administrative processes in a machine-readable format [col. 5, lines 45 – 50], the administrative processes being processes that need to be implemented by an administrator for achieving different objectives in a local or a networked environment [col. 18, lines 7 – 25], the administrative processes comprising at least one administrative task and the administrative task comprising administrative commands [col. 12, lines 23 – 36], the method comprising the steps of:

a. creating a generic command framework in a machine-readable format [GPAE's architecture is open: new roles can be created, new processes can be modeled; col. 4, lines 5 – 15] to capture administrative commands used in the administrative processes [capture a process definition; col. , lines 45 – 51] by capturing structures of all types of the administrative commands [Workflow Process Definition Language; col. 17, lines 25 – 33], wherein the structures of all types of the administrative commands are captured by writing the administrative commands in accordance with the generic command framework [col. 17, line 59 – col. 18, line 63];

b. generating profiles [process definition; col. 17, lines 25 – 33] that define the administrative tasks [subprocess "admin" 303; col. 17, line 58 – col. 18, line 6], the profiles are generated by combining all the captured administrative commands in a machine-readable format [process definition may contain references to sub-processes; col. 17, line 58 – col. 18, line 6], the profiles being collections of the captured administrative commands that define an administrative task [col. 5, lines 45 – col. 6, line

11], wherein the captured administrative commands when executed accomplish the administrative task [col. 18, lines 25 – 36];

d. generating administrative lists [work list menu 74 is a list of activities; col. 9, lines 5 – 10] by combining one or more profiles that define administrative tasks, which constitute an administrative process [col. 12, line 60 – col. 13, line 10], wherein the admin lists comprises a pre-defined order in which the administrative tasks need to be executed [process definition identifying a logical sequence of work items, pre-conditions and post-conditions for the execution of work items; col. 20, lines 5 – 13];

wherein each administrative list captures the administrative process in a machine-readable format, which can be processed by processing machines for automating execution of the administrative process [a run time part comprising process instance servers for coordinating the enactment of the work items forming part of the process definitions and a scheduler for scheduling each work item forming part of the process definition either for execution; col. 20, lines 12 – 25]. Fiszman does not specifically disclose generating network maps, each network map comprising details of one or more servers in the networked environment on which the administrative tasks defined by the profiles need to be performed.

However, Hansen teaches generating network maps [col. 11, lines 50 – 64 and col. 5, lines 26 – 36], each network map comprising details of one or more servers in the networked environment [network administrator may build a representative network configuration map; col. 6, lines 25 – 43] on which the administrative tasks defined by the profiles need to be performed [col. 9, line 60 – col. 10, line 30].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Fiszman to incorporate the features of Hansen. One of ordinary skill in the art would have been motivated to make the combination because this provides a method for constructing a configuration file for a network device suitable for upload to the network device to enable the configuration [col. 18, lines 25 – 38 of Hansen].

10. As to claim 2, Fiszman as modified teaches the admin lists [col. 9, lines 5 – 10 of Fiszman] comprises zero or more network maps and associations between the profiles present in the admin list [col. 20, lines 5 – 13 of Fiszman] and the one or more network maps [col. 6, lines 25 – 43 of Hansen], the association between a profile and one or more network maps [col. 7, lines 1 – 12 of Hansen] defining the server(s) on which the administrative task [col. 17, line 58 – col. 18, line 6 of Fiszman] defined by the profile needs to be performed [col. 9, line 60 – col. 10, line 30 of Hansen].

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **CONTACT INFORMATION**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/  
Primary Examiner, Art Unit 2194

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